

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 12-10226-DJC
)	
JOHN KOSTA, et al.)	

JOINT STATUS REPORT

Pursuant to Local Rule 116.5(c) the United States of America and counsel for defendants are hereby jointly filing the following status report prepared in connection with the Final Status Conference scheduled for June 25, 2013. The government concurred with all defense counsel except for Mark Williams, who could not be reached, prior to filing this Joint Status Report.

1. Status of plea negotiations

At this time, defendants Donald McCormick and Dennis Novicki have pled guilty, and defendant Fidencio Serrano-Esquer remains a fugitive. The remaining defendants, John Kosta, Tamara Kosta, Alexander Napoleon and Nestor Antonio Verduzco have been discussing potential pleas with the government, but no agreements have been negotiated or finalized at this time. Accordingly, no defendant is requesting a Rule 11 hearing at this time.

2. Pretrial Conference

The parties request that the district court judge schedule a pretrial conference.

3. A-B. Discovery

The government continues to provide defense counsel with discovery as required by its continuing obligation. Discovery to this date has been voluminous and the review is continuing.

C. Motions

Defendants Tamara Kosta and John Kosta filed pretrial motions, and the government has filed its responses.

D. Excludable delay

The parties jointly request that the time between the Final Status Conference and the Pretrial Conference, which has yet to be scheduled, be excluded from Speedy Trial Act calculations. Exclusion of this time will allow 1) the Court time to rule on the filed motions and 2) the parties a continued opportunity to explore disposition of this case short of trial.

According to the calculation of the parties, zero days have been counted against the Speedy Trial Act, and 70 days will remain for the trial to commence.

E. Estimated length of trial

The parties expect a trial would last approximately two weeks.

Respectfully submitted,

CARMEN M. ORTIZ
UNITED STATES ATTORNEY

By: /s/Leah Foley
Leah Foley
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to counsel for Defendants who are registered participants as identified on the Notice of Electronic Filing (NEF).

/s/Leah Foley
Leah Foley
Assistant United States Attorney